

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

CAROL LYNN MERRELL
1411 W. Maple Ave., Apt. D
Independence, MO 64050

Plaintiff,

Vs.

WALMART STORES, INC.
702 SW 8th Street
Bentonville, Arkansas 72712

Serve Registered Agent:
CT Corporation Systems
120 South Central Avenue
Clayton, Missouri 63105

And

WALMART, INC.
702 SW 8th Street
Bentonville, Arkansas 72712

Serve Registered Agent:
CT Corporation Systems
120 South Central Avenue
Clayton, Missouri 63105

Defendants.

Case No:

Division:

PETITION FOR DAMAGES

COMES NOW plaintiff, Carol Lynn Merrell, by and through her attorney Michael J. Englert, and for her cause of action against defendants, Walmart Stores, Inc., and Walmart, Inc., states, avers, and shows the Court as follows:

1. That at all times mentioned defendants were corporations duly organized and existing under the law and having their headquarter offices located at 702 SW 8th Street, Bentonville, Arkansas 72712.

2. That at all times mentioned defendant operated a Walmart store and shopping center located at 4000 South Bolger Road, Independence, Jackson County, Missouri, 64055 (the “Premises”).

3. That at all times mentioned plaintiff was a customer and business invitee of defendants at the Premises referred to above.

4. On or about December 20, 2020, while situated in the Premises of defendant aforesaid, she suffered a fall and the hereinafter described injuries and losses all the result of the negligence of defendant as set forth herein.

5. The aforesaid occurrence to plaintiff was the direct result of the negligence of defendant in the following particulars, to-wit:

a) That there was an object and obstruction on the floor of defendant’s store and as a result the floor was not reasonably safe for persons walking thereon;

b) Defendant failed to remove the object and obstruction from the flooring referred to herein;

c) Defendant failed to warn of the object and obstruction on the floor referred to herein; and

d) Defendant failed to barricade the area containing the object and obstruction on the floor referred to herein.

e) That the dangerous condition of the floor as aforesaid was caused by or created by one of the Defendants’ employees while working within the course and scope of his employment and the Defendants are liable for said acts by *respondeat superior*.

6. That the dangerous condition of the floor as aforesaid existing for a sufficient length of time prior to plaintiffs fall for defendant to have known or could have known of same.

7. That as a direct and proximate result of the negligence and carelessness of defendant, as aforesaid, plaintiff was seriously, painfully and permanently injured in the following respects, to wit: that plaintiff's head, spine, shoulder, and upper extremities and the bones, joints, muscles, tendons, ligaments, discs, nerves, membranes and soft tissues thereof were bruised, contused, wrenched, sprained, strained, protruded and rendered swollen, irritated and inflamed; plaintiff underwent care and treatment for said injuries and will likely in the future will require additional medical attention for the repair and treatment of same and plaintiff will likely in the future incur medical expenses for same; that all of said injuries and effects are serious and permanent and the function and use of said parts and organs are impaired, diminished and made painful; and that plaintiff's ability to work, labor, earn income and enjoy life have been impaired and limited.

WHEREFORE, plaintiff prays judgment against defendants for such sum which is fair and reasonable in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) to compensate plaintiff for injuries and damages suffered together with costs expended herein, and for such further orders as the Court deems just and proper.

Respectfully submitted,

Michael J. Englert

/s/ Michael J. Englert

Michael J. Englert #35515

209 W. Lexington Ave.

Independence, MO 64050

Office: 816-252-2132

Fax.: 816-491-2290

e-mail: mikejoeenglert@gmail.com

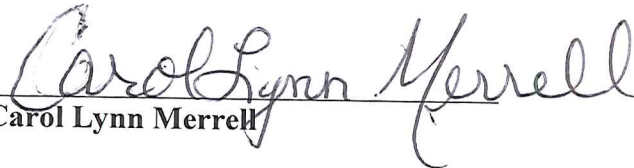
ATTORNEY FOR PLAINTIFF

VERIFICATION

STATE OF Missouri)
COUNTY OF Jackson) ss.

Carol Lynn Merrell, of lawful age, and being first duly sworn on her oath, states as follows:

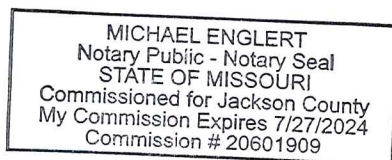
That she has read the above and foregoing document and that the statements contained therein are true and correct to the best of her knowledge and belief.


Carol Lynn Merrell

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this
9th day of September, 2022.


Notary Public

My Commission Expires:



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

CAROL LYNN MERRELL,

PLAINTIFF(S),

VS.

**CASE NO. 2216-CV20496
DIVISION 2**

WALMART STORES, INC.,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **KENNETH R GARRETT III** on **09-JAN-2023** in **DIVISION 2** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ KENNETH R GARRETT III
KENNETH R GARRETT III, **Circuit Judge**

Certificate of Service

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

MICHAEL J ENGLERT, 209 W LEXINGTON, INDEPENDENCE, MO 64050

Defendant(s):

WALMART STORES, INC.
WALMART INC.

Dated: 12-SEP-2022

MARY A. MARQUEZ
Court Administrator



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 2216-CV20496
Plaintiff/Petitioner: CAROL LYNN MERRELL	Plaintiff's/Petitioner's Attorney/Address MICHAEL J ENGLERT 209 W LEXINGTON INDEPENDENCE, MO 64050
vs.	
Defendant/Respondent: WALMART STORES, INC.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: WALMART STORES, INC.
Alias:
 CT CORPORATION SYSTEMS
 120 SOUTH CLAYTON AVE
 CLAYTON, MO 63105

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12-SEP-2022
 Date

W. J. Englert
 Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to

_____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

(Seal)

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$. _____ per mile)
Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County




IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 2216-CV20496
Plaintiff/Petitioner: CAROL LYNN MERRELL	Plaintiff's/Petitioner's Attorney/Address MICHAEL J ENGLERT 209 W LEXINGTON INDEPENDENCE, MO 64050
Defendant/Respondent: WALMART STORES, INC.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

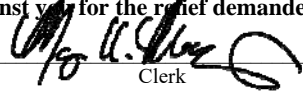
Summons in Civil Case

The State of Missouri to: WALMART INC.
Alias:
CT CORPORATION SYSTEMS
120 SOUTH CLAYTON AVE.
CLAYTON, MO 63105

COURT SEAL OF

JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12-SEP-2022
Date


Clerk

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☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with _____ a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to

_____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

(Seal)

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$. _____ per mile)
Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

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Circuit Court of Jackson County



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

SB
1012

Judge or Division: KENNETH R GARRETT III	Case Number: 2216-CV20496
Plaintiff/Petitioner: CAROL LYNN MERRELL	Plaintiff's/Petitioner's Attorney/Address MICHAEL J ENGLERT 209 W LEXINGTON INDEPENDENCE, MO 64050
Defendant/Respondent: WALMART STORES, INC.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Summons in Civil Case

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Alias:
CT CORPORATION SYSTEMS
120 SOUTH CLAYTON AVE
CLAYTON, MO 63105

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☒ (for service on a corporation) delivering a copy of the summons and petition to

L.C.W. JO ANN COLEMAN (name)

INTAKE SPECIALIST (title)

☐ other

CT CORPORATION

Served at

in St. Louis County (County/City of St. Louis), MO, on

SEP 23 2022 (date)

RECEIVED
SEP 19 PM 3:19
ST. LOUIS COUNTY
SHERIFF'S OFFICE

Printed Name of Sheriff or Server

(Seal)

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on (date)

My commission expires: Date

Notary Public

Sheriff's Fees

Summons \$
Non Est \$
Sheriff's Deputy Salary \$ 10.00
Supplemental Surcharge \$
Mileage \$ (miles @ \$. per mile)
Total \$

A copy of the summons and petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

9-21-22
KLL



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI


SB
10-12

Judge or Division: KENNETH R GARRETT III	Case Number: 2216-CV20496
Plaintiff/Petitioner: CAROL LYNN MERRELL	Plaintiff's/Petitioner's Attorney/Address MICHAEL J ENGLERT 209 W LEXINGTON INDEPENDENCE, MO 64050
Defendant/Respondent: WALMART STORES, INC.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: WALMART INC.
Alias:
CT CORPORATION SYSTEMS
120 SOUTH CLAYTON AVE.
CLAYTON, MO 63105

30 CTCOR W

COURT SEAL OF

JACKSON COUNTY

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12-SEP-2022
Date

[Signature]
Clerk

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☒ (for service on a corporation) delivering a copy of the summons and petition to

L.C.W. JOANN COLEMAN (name)

INTAKE SPECIALIST (title)

☐ other

CT CORPORATION

Served at

St. Louis County

in

(County/City of St. Louis), MO, on SEP 23 2022 (date) at

LEISINGER

Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

(Seal)

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

RECEIVED
2022 SEP 19 PM 3:19
ST. LOUIS COUNTY
SHERIFF'S OFFICE
[Signature]

22-smcc-7743

9-22-22
file

IN THE CIRCUIT COURT OF JACKSON COUNTY
16TH JUDICIAL CIRCUIT

CAROL LYNN MERRELL

Plaintiff

vs.

Cause Number: 2216-CV20496
Document ID Number: 22-SMCC-7743
(22-SMCC-7990)

WALMART STORES INC

Defendant

DATE: 9/28/2022

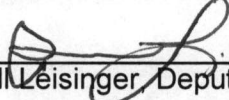
AMENDED SHERIFF'S RETURN OF SERVICE

COMES NOW, Scott Kiefer, Sheriff of St. Louis County, Missouri, and states as follows:

That on September 23, 2022, a return of service was entered by Bill Leisinger, which read as follows:

"LC with JoAnn Coleman."

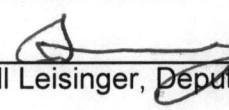
Scott Kiefer
Sheriff of St. Louis County, Missouri


Bill Leisinger, Deputy Sheriff

That said return of service was incorrect. The return should read:

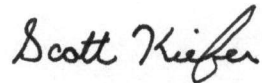
"LC with Joanna Chapman"

Scott Kiefer
Sheriff of St. Louis County, Missouri


Bill Leisinger, Deputy Sheriff

Bill Leisinger files herewith a return amended as described herein.

Respectfully submitted:



Scott Kiefer,
Sheriff of St. Louis County

IN THE CIRCUIT COURT OF JACKSON COUNTY
16TH JUDICIAL CIRCUIT

CAROL LYNN MERRELL

Plaintiff
vs.

Cause Number: 2216-CV20496
Document ID Number: 22-SMCC-7742
(22-SMCC-7989)

WALMART STORES INC

Defendant

DATE: 9/28/2022

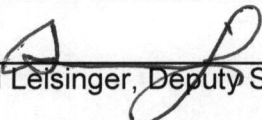
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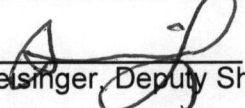
Scott Kiefer
Sheriff of St. Louis County, Missouri


Bill Leisinger, Deputy Sheriff

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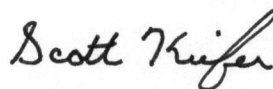
"LC with Joanna Chapman"

Scott Kiefer
Sheriff of St. Louis County, Missouri


Bill Leisinger, Deputy Sheriff

Bill Leisinger files herewith a return amended as described herein.

Respectfully submitted:



Scott Kiefer,
Sheriff of St. Louis County